

REMARKS/ARGUMENTS

Counsel for Assignee has received and reviewed the Final Action mailed November 30, 2005. In that Action claims 2-34 were presented for examination. Objections and rejections were made to the form of certain claims, and all claims were rejected under 35 U.S.C. § 102 in view of a newly cited reference, U.S. Patent 6,628,653 to *Salim*.

By this response counsel has amended the independent claims to overcome the objections and rejections, and hereby respectfully traverses the rejection under 35 U.S.C. § 102.

Turning first to the format of the claims, each of the independent claims has been amended in a manner believed to overcome the objections and rejections. In particular, the Examiner noted informalities in lines 4 and 15 of claims 33 and 34. The noted informalities suggested to counsel that further improvements in the wording of the claims was appropriate, and so counsel has reworded the claims in a manner different than that suggested by the Examiner, but intended to provide further clarity. In particular, the relationship of the payload and the header address are now more clearly specified in an attempt to clarify the functionality of the apparatus claimed.

The Examiner also objected to claims 33 and 34 with regard to the limitation "a destination address...." By the amendments counsel has attempted to clarify that the destination address indicates the destination to which the packet is sent, and that this information is maintained in the flow control table.

Claim 15 was rejected on a similar basis, and it has also been amended in a similar manner believed to overcome the Examiner's rejection.

The Examiner has rejected all claims under 35 U.S.C. § 102 in view of the '653 patent to *Salim*. This rejection is respectfully traversed. The differences between the cited *Salim* reference and Applicants' claimed invention are discussed next.

In Applicants' invention, packets arriving at a network device are analyzed at a flow control table using source and destination addresses. Based upon the source and destination addresses, particular actions are implemented using the flow control table. Of course, one such action is to treat the packet in the normal way and process it onto the destination address in a default of normal routing operations. (See, e.g., Figure 3, line 115.)

More importantly, however, is that in some cases the flow control table will have a more specific action stored there relating to the execution of a program on a computer coupled to the network. In other words, coupled to the network will be a computer executing a stored program which relies upon the contents of the particular packet being compared against the information in the flow control table. If the flow control table indicates such, then this packet can be forwarded to the computer and used in execution of the stored program with a higher priority, or with some other differentiation between normal packet handling.

In a preferred embodiment of Applicants' invention, for example as described in the specification with respect to Figure 1, a video delivery system is explained. Applicants' invention enables a particular video program to be transmitted from a video server 10 to various clients with different levels of quality. A high definition mode might require packets to be delivered more quickly than a lower definition mode, and this increased priority can be reflected in the flow control table. The result is that packets addressed to the higher resolution mode can be delivered with a priority greater than those addressed to the lower quality resolution node. At the node, the packets are then used in the execution of the stored programs executing there.

The *Salim* reference is concerned with packet handling; however, it addresses a different situation. In *Salim*, selected bits from incoming packets can be extracted and the content of those bits used within the router for processing those particular packets. *Salim*, however, does not teach using the packets to change the *execution of stored programs in computers coupled to the network*.

This aspect of Applicants' invention is claimed in the last subparagraph of claims 33, 34 and 15. In support of the rejection, the Examiner has stated this feature of Applicants' invention is taught by *Salim* in column 10, lines 15-50, and column 14, lines 1-40. Those sections of *Salim*, however, do not teach this feature of Applicants' invention. In column 10, at lines 15-50, a variety of functions are described. The one most similar to Applicants' invention is believed to be the portion of column 10, at lines 37-44. That portion of *Salim*'s teaching, however, does not teach use of the packets in execution of a stored program at a remote computer coupled to the network. At that location in *Salim*, the use of the packets to perform a table update control function 690 is described. As described there, new entries for the table are derived from information in the packets, and this is made possible without going through the host CPU (where the table is located). Thus, counsel

believes at this location *Salim* teaches only a technique by which the CPU managing the decision table can update that table. It does not teach the idea of using the payload portion of the packets in the execution of a stored program operating on another computer coupled to the network.

The Examiner also referenced column 14, lines 1-40, with respect to the Applicants' "action information" as discussed above. Counsel has carefully reviewed that column, and again finds that all of the discussion there relates to the manner in which the table entries themselves are revised. There does not appear to be any teaching as to the execution of stored programs on remotely located computers using the payload portion of the information.

Finally, the Examiner also cited column 11, lines 1-40, with respect to forwarding the packets to a remote computer. As above, all of the discussion there appears to relate to management of the table itself, not use of the packets by a remote computer executing a stored program.

For the preceding reasons, the Examiner's rejection of the claims is respectfully traversed. Because the claims have now be revised to place them in better form and overcome the Examiner's objections and Section 112 rejections, counsel believes all claims are now allowable. If the Examiner believes a telephone conference would expedite prosecution of the application, please telephone the undersigned at 650-324-6303 (direct).

Respectfully submitted,



Robert C. Colwell
Reg. No. 27,431

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
RCC:mks
60728545 v1